

The Honorable Robert H. Whaley

PROPOSED

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 03 1999

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

ROBERT E. WHITE, et al.,
Plaintiffs,
v.
DR. C. ALVIN PAULSEN, et al.,
Defendants.

DON BYERS, et al.,
Plaintiffs,
v.
C. ALVIN PAULSEN, M.D., et al.,
Defendants.

No. CS 97-0239 RHW

[PROPOSED] ORDER
PRELIMINARILY APPROVING
PROPOSED SETTLEMENT AND
NOTICE TO THE CLASS

This matter came on for hearing before the undersigned on Plaintiffs' Motion for Preliminary Approval of Proposed Settlement and for Authority to Provide Notice to the Class. The Court finds as follows:

The proposed class action settlement, for which preliminary approval is sought, meets the threshold requirements for such approval. The negotiations leading up to the proposed settlement were facilitated by a well-qualified, independent mediator

[PROPOSED] ORDER - 1

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1 and were in all respects conducted on an arm's-length basis. There also appears to
2 have been sufficient discovery in the litigation, prior to the proposed settlement, for
3 plaintiffs and their counsel to make an informed judgment regarding the potential
4 merits of plaintiffs' claims. Plaintiffs' counsel have extensive prior experience in
5 complex litigation and class actions. Finally, plaintiffs' counsel also has been in
6 communication with certain class member-clients and none have voiced any
7 objection to the proposed settlement thus far. All class members will have an
8 opportunity to be heard regarding any objections or concerns regarding the settlement
9 prior to or in connection with subsequent proceedings concerning potential final
10 approval of the settlement.

11 Based on the foregoing findings, the proposed class action settlement is hereby
12 preliminarily approved. The mailing notice (copy attached as Exhibit B to plaintiffs'
13 motion) and the publication notice (copy attached as Exhibit C to plaintiffs' motion)
14 also are approved.

15 The Court further rules as follows:

- 16 1. The Mailing Notice shall forthwith be sent to all irradiated Paulsen
17 experiment subjects by first class United States mail to their last known address;
18 2. The Publication Notice shall be published for one day in each of the
19 following newspapers:

- 20 a. The Spokesman Review (Spokane, Washington);
21 b. The Times (Walla Walla, Washington);
22 c. The Columbian (Portland, Oregon);
23 d. Tri-City Herald (Tri-Cities area);
24 e. The Yakima Herald (Yakima, Washington); and
25 f. The Seattle Post-Intelligencer (Seattle, Washington).
26

3. On _____, 1999, there shall be a hearing before the undersigned regarding final approval of the proposed settlement. The deadline for opting out and/or the filing of objections to the proposed settlement, and the filing of a claims verification shall be the day before that hearing.

DATED this _____ day of _____, 1999.

United States District Judge